



Proposed Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22VAC 40-121
Regulation title	Standards for Licensed Family Day Systems
Action title	Licensed Family Day System Regulation Comprehensive Revision
Date this document prepared	August 17, 2011

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

In a short paragraph, please summarize all substantive provisions of new regulations or changes to existing regulations that are being proposed in this regulatory action.

This is a joint action to repeal the existing regulation, 22VAC40-120, and establish a new regulation, 22VAC40-121, for licensed family day systems. Information from the current regulation is included in the new regulation with the exception of procedural information for licensure that has been deleted because the information is provided in a separate regulation (22VAC40-80). The text is reworded and reorganized for clarity. Requirements based on the Code of Virginia are incorporated. To increase protection to children, the new regulation includes additional requirements in the following areas: services to member homes; care and services for children; qualifications, training, and responsibilities for system staff and caregivers; physical plant features of the family day home; disclosure of information to parents; and emergency preparedness.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

N/A

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

The following sections of the Code of Virginia (Code) are the sources of legal authority to promulgate this regulation: § 63.2-217 (mandatory) requires the State Board of Social Services (Board) to adopt regulations as may be necessary or desirable to carry out the purpose of Title 63.2 of the Code; §§ 63.2-1720 and 63.2-1721 (mandatory) require an applicant for licensure to operate a family day system, system employees and volunteers, and caregivers and adult household members in family day homes approved by the system to undergo background checks; and § 63.2-1734 (mandatory and discretionary) addresses the Board's overall authority to promulgate regulations for licensed family day systems to ensure that the systems' activities, services, and facilities are conducive to the welfare of the children in care.

The promulgating entity is the State Board of Social Services.

Purpose

Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal, the environmental benefits, and the problems the proposal is intended to solve.

The new regulation replaces the current regulation, Minimum Standards for Licensed Family Day-Care Systems (22VAC40-120). There have been no major revisions of the current regulation since its adoption in 1981. In 1981, the requirements in the regulation for family day homes approved by a family day system were consistent with requirements in the regulation for family day homes licensed by the Department of Social Services (DSS). Since 1981, the regulation for licensed family day homes has been revised five times so the requirements to ensure the health, safety and well-being of children receiving care in system-approved family day homes are no longer consistent with the requirements for licensed family day homes. In addition to incorporating the majority of the provisions from the current regulation for family day systems, this new regulation adds requirements that are based on changes in law, findings of research, and changes in practice.

The purposes of this regulatory action are to: 1) ensure the activities, services, and facilities of family day systems and the family day homes approved by a system are conducive to the welfare of the children served as required by § 63.2-1734; 2) ensure requirements for family day homes approved by a licensed family day system are consistent with the requirements for licensed family day homes; and 3) align requirements for the operation of a family day system with requirements for similar agencies licensed by the DSS.

Substance

Please briefly identify and explain new substantive provisions (for new regulations), substantive changes to existing sections or both where appropriate. (More detail about all provisions or changes is requested in the "Detail of changes" section.)

Changes in requirements for a family day system include:

- Providing public access to information on system-approved homes so that parents can make informed choices about child care;
- Closely matching criteria for approval of a system-approved to the criteria to license a family day home;
- Increasing over a four year period the number of homes for which a full-time home visitation staff member may be responsible to a maximum of 40;
- Establishing requirements for: general record keeping; written information for parents of enrolling children; proof of a child’s age and identity along with a record of the child care and schools the child has attended; orientation and mentoring for caregivers; and parent notifications;
- Amending the operational responsibilities of the system to match required operational responsibilities of other DSS-licensed agencies;
- Amending requirements for: orientation of newly employed system staff by adding a requirement for training in recognizing and reporting child abuse and neglect;
- Amending requirements for system’s records for member homes, children, and caregivers; and
- Amending requirements for reports to DSS.

Changes in requirements for family day homes approved by a family day system to be consistent with those for licensed family day homes include adding requirements related to: qualifications and requirements for caregivers; attributes for household members; written information for parents of enrolling children; parent permissions; records for children; medication administration training; home maintenance; hanging and drowning hazards; firearms; sharp objects; body fluids contamination; machinery; heaters; telephones; water supply; heating and cooling; electric fans; stairs; decks and porches; doors and windows; animals; smoking and prohibited substances; play equipment and materials; indoor slides and climbing equipment; outdoor play area and equipment; rest areas; cribs; linens; infant and toddler equipment; play pens; supervision; programs; sleeping and resting; daily activities for infants and toddlers; television, computers, videos, and video games; time out; forbidden actions; parent notifications; swimming and wading activities; exclusion of sick children; hand washing; diapering and toileting; medication; sunscreen, diaper ointment, and insect repellent; first aid supplies; emergency radios; emergency information; posted telephone numbers; emergency preparedness and response plans; evacuation, relocation, and shelter-in-place procedures; emergency response drills; reports to the system, DSS, and health department; meals and snacks; drinking water and fluids; feeding infants; special feeding needs; transportation, drivers, and vehicles; and nighttime care.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If the regulatory action poses no disadvantages to the public or the Commonwealth, please indicate.

The primary advantage of the proposed regulatory action is the increased protection it provides to children receiving care in system-approved family day homes by containing the same requirements for system-approved family day homes as those for DSS-licensed family day homes.

A key advantage to the public is the inclusion in this regulation of requirements for release of information about system-approved homes to the public. This addition allows consumers to make more informed

choices in selecting child care providers and is consistent with the requirements for release of information in other regulated day care programs.

The advantage to the Commonwealth is that the proposed action reflects the importance that Virginia places on ensuring safe child care for children of working parents. There are no disadvantages to the Commonwealth.

In this proposed regulation, there are a few increased requirements for the operation of a system, but this is offset by amendments that decrease some requirements that are in the current regulation. Therefore, over all there are no disadvantages to the system's business.

The one family day system currently licensed in Virginia has, since July 2010, been voluntarily requiring their approved homes to comply with the majority of the requirements for member homes in this proposed regulation so there should be no disadvantages to system-approved homes or parents as a result of implementing this regulation.

When requirements are strengthened, there must be a balance between the benefit and associated costs. In the proposed regulatory action, a fair and reasonable balance has been attempted throughout the regulation.

Requirements more restrictive than federal

Please identify and describe any requirements of the proposal, which are more restrictive than applicable federal requirements. Include a rationale for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

There are no applicable federal requirements.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

No locality is particularly affected by the proposed regulation.

Public participation

Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.

The one family day system currently licensed in the Commonwealth has reviewed and provided advice on the content of the proposed regulation.

In addition to any other comments, the board/agency is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the agency/board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia.

Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so via the Regulatory Townhall website, www.townhall.virginia.gov, or by mail, email or fax to Karen Cullen, Virginia Department of Social Services, Division of Licensing Programs, 801 East Main Street, Richmond 23219; telephone (804) 726-7152; fax (804) 726-7132; karen.cullen@dss.virginia.gov. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by the last date of the public comment period.

Economic impact

Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirements create the anticipated economic impact.

Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source, and (b) a delineation of one-time versus on-going expenditures.	Implementation and enforcement of the new regulation will not result in any increased cost to the state. Licensing staff with responsibility for implementation and enforcement are currently in place.										
Projected cost of the <i>new regulations or changes to existing regulations</i> on localities.	None										
Description of the individuals, businesses or other entities likely to be affected by the <i>new regulations or changes to existing regulations</i>.	The licensed family day system and the family day homes approved by that system will be affected by this regulation.										
Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	One family day system with 130 member homes serving approximately 910 children will be affected. Both the system and its approved member homes are small businesses.										
All projected costs of the <i>new regulations or changes to existing regulations</i> for affected individuals, businesses, or other entities. Please be specific and include all costs. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses. Specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new regulations.	<table border="0"> <tr> <td style="vertical-align: top;">\$8</td> <td>Orientation for any newly hired system staff</td> </tr> <tr> <td style="vertical-align: top;">\$68</td> <td>Extra six hours of annual training required for caregivers effective July 1, 2012 [\$20 for training; \$48 for salary (\$8 x 6 hrs.)]</td> </tr> <tr> <td style="vertical-align: top;">\$84</td> <td>Extra eight hours of annual training required for caregivers effective July 1, 2013 [\$20 for training; \$64 for salary (\$8 x 8 hrs.)]</td> </tr> <tr> <td style="vertical-align: top;">\$1000</td> <td>Fence or barrier around play areas located within 30 feet of unfenced in-ground pool, fountain, pond; or within 30 feet of hazards including railroad tracks or streets with speed limits over 25 mph (if play area is currently unfenced)</td> </tr> <tr> <td style="vertical-align: top;">\$20</td> <td>Land-line telephone if the family day home</td> </tr> </table>	\$8	Orientation for any newly hired system staff	\$68	Extra six hours of annual training required for caregivers effective July 1, 2012 [\$20 for training; \$48 for salary (\$8 x 6 hrs.)]	\$84	Extra eight hours of annual training required for caregivers effective July 1, 2013 [\$20 for training; \$64 for salary (\$8 x 8 hrs.)]	\$1000	Fence or barrier around play areas located within 30 feet of unfenced in-ground pool, fountain, pond; or within 30 feet of hazards including railroad tracks or streets with speed limits over 25 mph (if play area is currently unfenced)	\$20	Land-line telephone if the family day home
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\$20	Land-line telephone if the family day home										

	<p>does not currently have a land-line telephone</p> <p>\$30 Land-line telephone service each month if the family day home does not currently have a land-line telephone</p> <p>\$30 Water safety certification for a caregiver if no other individual with water safety certification is available when children are in water over two feet deep</p> <p>\$15 Weather band radio and extra batteries</p>
<p>Beneficial impact the regulation is designed to produce.</p>	<p>The regulation is designed to ensure the health, safety, and welfare of children receiving care in a system-approved family day home.</p>

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in §2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

This new regulation is a comprehensive revision of the current regulation. Because of extensive changes and reorganization, the current regulation is being repealed and this new regulation is being promulgated. In developing this proposal, consideration was given to the necessity, the enforceability, reasonableness, and the cost impact of the regulation.

Regulatory flexibility analysis

Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

Section 63.2-1734 of the Code of Virginia mandates the State Board of Social Services to adopt regulations that are designed to ensure that the activities, services, and facilities of licensed family day systems are conducive to the welfare of children in care. Through the department’s collaboration with affected constituents (the licensed system and Licensing inspectors), the proposed regulation represents the best alternative to minimize any adverse effect on the family day system small business and its approved homes while ensuring the protection of children in care.

Public comment

Please summarize all comments received during the public comment period following the publication of the NOIRA, and provide the agency response.

Commenter	Comment	Agency response
Ileene Hoffman, Infant Toddler Family Day Care	Infant Toddler Family Day Care opposes the intended regulatory action to repeal the current regulation and adopt new regulations to require system-approved homes to be consistent with those for licensed family day homes.	The current regulation has not been revised in 30 years and does not provide the protection to children as does the regulation for licensed family day homes. Upon collaboration with Infant Toddler Family Day Care during the development of the proposed regulation, areas of the regulation to which they objected were addressed.
Lisa Farinholt-O'Brien, Infant Toddler Family Day Care	<p>Infant/Toddler Family Day Care is a private nonprofit organization that goes above and beyond the standard licensing regulations. The best interest of children and Early Child Care Educators (ECCE's)/providers is at the core of the organizations values. The organization was previously told they would have new licensing regulations and went above and beyond to implement the regulations only to be told that the regulations would not be changed. Although not mandatory, the organization still went ahead and implemented most of the changes because it was in the best interest of the ECCE's and children in their care.</p> <p>Now the state has decided they are going to require Infant/Toddler Family Day Care to change to the full new regulations. This is a great burden on the organization financially and on the ECCE's since it is going to create confusion. There are specific regulations that are particularly burdensome.</p> <p>1- Proof of High School completion- Since most of our ECCE's are not from the United States this will be impossible for them.</p> <p>2- Previous Experience- [This] seems unrealistic since most</p>	<p>This requirement was not included in the proposed regulation. Instead the system is required to train and mentor a provider before a child is accepted for care.</p> <p>This requirement was not included in the proposed regulation. Instead the system is required to train and mentor a provider before a</p>

	<p>people interested in the child care field come to it to learn and may not have professional or volunteer experience but a love for children. Our organization goes above and beyond by requiring over 20 hours of classroom training and 40 hours of on the job mentoring before the ECCE can even have a family referred to them for an interview. This should be acceptable for experience.</p> <p>3- Evidence of Finances- We serve low income individuals and help them to become financially secure. This requirement seems to discriminate and may cause families that would otherwise enter our program not to.</p> <p>4-CPR/First Aid Training will not count toward annual training hours. Why? If Medication training (MAT) does.</p> <p>5- Heating System Checks- How does the state enforce this?</p> <p>6- Recordkeeping- Our program/system already has recordkeeping in place and should be able to continue with this. Please do not go back on what you previously told Infant/toddler Family Day Care and think about how the above changes could impact many families and the organization (especially financially) if implemented. Thank you for your consideration.</p>	<p>child is accepted for care.</p> <p>Section 63.2-1702 of the Code requires the licensee to show evidence of financial responsibility. This is not required of system-approved homes since they are not licensed.</p> <p>First aid and CPR certification are job qualifications for providers and substitute providers so the training does not count toward annual training. Medication administration training is only required of those providers who choose to administer medication so is not a job qualification and would count toward annual training requirements. This is consistent with requirements in other licensed programs.</p> <p>The regulation does not require a heating system check. It requires an annual inspection of wood-burning stoves, fireplaces, and related chimneys.</p> <p>The agency collaborated with Infant Toddler Family Day Care in developing the proposed regulation so the requirements for recordkeeping are acceptable to the system.</p>
<p>Wynne Busman, Infant Toddler Family Day Care</p>	<p>There are several regulations that will be difficult to enforce and that would create a hardship on the organization.</p> <p>The provider shall give evidence of financial responsibility (this is intrusive to the family)</p>	<p>Section 63.2-1702 of the Code requires the licensee (system) to show evidence of financial responsibility. This is not required of system-</p>

	<p>Obtaining high school transcripts. (Many of our providers are immigrants/refugees and have no way of obtaining a sworn affidavit with a letter from school authorities stating that the records are not available and having to apply for an allowable variance if cumbersome.)</p> <p>Three months of programmatic experience prior to caring for children is unrealistic.</p> <p>Why is medication administration training counted toward the annual training hours and First Aid and CPR training is not?</p> <p>Although of importance, annual checks of heating systems are costly and difficult to enforce.</p> <p>Some of the record keeping seems very cumbersome when our caregivers typically care for no more than five children.</p> <p>Some of these regulations will place hardships on low income family child care providers which will discourage economic self-sufficiency (they may leave the field and be unemployed and the community will not have sufficient child care slots) which will decrease disposable family income.</p>	<p>approved homes since they are not licensed.</p> <p>This requirement was not included in the proposed regulation. Instead the system is required to train and mentor a provider before a child is accepted for care.</p> <p>This requirement was not included in the proposed regulation. Instead the system is required to train and mentor a provider before a child is accepted for care.</p> <p>First aid and CPR certification are job qualifications for providers and substitute providers so the training does not count toward annual training. Medication administration training is only required of those providers who choose to administer medication so is not a job qualification and would count toward annual training requirements. This is consistent with requirements in other licensed programs.</p> <p>The regulation does not require a heating system check. It requires an annual inspection of wood-burning stoves, fireplaces, and related chimneys.</p> <p>The agency collaborated with Infant Toddler Family Day Care in developing the proposed regulation so the requirements for recordkeeping are acceptable to the system.</p> <p>Agency disagrees. The economic impact of the proposed regulation on system-approved family day homes is minimal especially since effective July 1, 2010 Infant Toddler Family Day Care voluntarily changed the majority of their requirements for system-approved homes to match the requirements for licensed family day homes.</p>
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Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and

one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

This regulation has no adverse impact on the family. The regulation strengthens the rights of parents by establishing requirements that 1) ensure that families in need of child day care receive services in a setting that is safe and healthy for children, and 2) ensure that families are made aware of issues in the family day home concerning the care of their children.

Family day systems provide another option for parents needing child day care. In choosing to use the services of a system, parents are assured that member homes are monitored at least quarterly and the health and safety requirements for system-approved homes are the same as those for licensed family day homes. Family day home providers who become members of the system do so by choice. Member homes benefit from opportunities for training and mentoring, financial services, backup care and other services the system offers.

A family's disposable income will not be affected by this regulation.

Detail of changes

Please list all changes that are being proposed and the consequences of the proposed changes. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact if implemented in each section. Please describe the difference between the requirements of the new provisions and the current practice or if applicable, the requirements of other existing regulations in place.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all provisions of the new regulation or changes to existing regulations between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, rationale, and consequences
22VAC40-120-10. Introduction	22VAC40-121-10. Definitions		Incorporates definitions from the current regulation section 22VAC40-120 10 B and clarifies the terms in the body of the regulation to facilitate better understanding by system employees, member homes, and Licensing staff. Definitions for the following terms are added: accessible, adult, age-appropriate, assistant, body fluids, caregiver, child day program, child with special needs, cleaned, evacuation, family day home, good character and reputation, inaccessible, infant, licensing office, nighttime care, parent, physician, preschool, provider, relocation, residence, sanitized, school age serious injury, shelter-in-place, staff, substitute provider, time out, and toddler.

			<p>The following terms and their definitions are deleted: abused or neglected child, day-care, day-care provider, family day-care system home, person, and sponsor.</p> <p>Definitions for the following terms are changed: child, commissioner, complaint, department representative, and licensee.</p> <p>The following term is changed, but not the definition: Family day-care system is changed to family day system to match language in § 63.2-100 of the Code.</p>
<p>22VAC40-120 20 A, B, and C2 Organization and Administration</p> <p>22VAC40-120-40 Services to system homes</p>	<p>22VAC40-121-20. Operational responsibilities.</p>	<p>1. Goals. a. Written goals shall be developed for the family day-care system. b. These goals shall clearly describe the philosophy and objectives of the system. c. At minimum, they shall address: (1) The purpose of the family day-care system; (2) The population to be served; (3) The recruitment of homes; (4) The program to be offered by the system in terms of: (a) Services to be provided to the homes that are members of the system; (b) Services to be provided to families and children who use the system.</p>	<p>For consistency with other Licensing regulations and to facilitate better understanding by system employees and Licensing staff, consolidates the operational policies and procedures that must be developed and the duties and responsibilities of the licensee from the current regulation into a single section.</p> <p>Reference to goals that is in the current regulation was deleted and replaced with the requirement for the development of a written program description which must be made available to prospective member homes, parents and the general public. Adds requirements for procedures for complaint investigations and for notifying parents when a member home has been terminated. The language assures parents are informed of terminations. Adds language for the licensee's responsibility for the system and member homes to maintain compliance with the standards, other relevant laws and regulations, and the system's own policies and procedures. Adds the requirement that prohibits licensees from using deceptive or misleading advertising in accordance with § 63.2-1713 of the Code.</p>
<p>22VAC40-120-20 D 2 and D 3.</p>	<p>22VAC40-121-30. Fees and payments.</p>		<p>For consistency with other Licensing regulations and to facilitate better understanding by system employees and Licensing staff, consolidates the current requirements for fees and</p>

			payments into a single section; deletes requirement for an audit if requested by DSS; and deletes requirement for individuals with responsibility for funds to be bonded.
22VAC40-120-20 F.	22VAC40-121-40. Family day system setting.		For consistency with other Licensing regulations and to facilitate better understanding by system employees and Licensing staff, consolidates the current requirement for the system setting into a single section. Requirement amended to require that system maintain an office "in Virginia." "Family day-care system" changed to "family day system" and "family day-care operators" changed to "family day home providers," the terms used in § 63.2-100 of the Code.
22VAC40-120-20 G.	22VAC40-121-50. Determination of number of member homes.		For consistency with other Licensing regulations and to facilitate better understanding by system employees, member homes, and Licensing staff, consolidates the current requirements for determining the number of member homes into a single section.
22VAC40-120-20 E.	22VAC40-121-60. Reporting requirements.	3. The licensee, governing board or its official representative shall notify the department when any major change is anticipated in the program, services provided or administrative structure. When such a change occurs, which was not anticipated, this notification shall be provided no later than 10 days following the change. The department shall also be notified within five working days whenever a new director is employed by the family day-care system.	For consistency with other Licensing regulations and to facilitate better understanding by system employees and Licensing staff, consolidates the current requirements for reporting into a single section. Adds the requirement that the licensee shall notify the department by the next working day, and in writing within five work days, after the system learns of a serious injury to a child while in the care of a provider, lost or missing child when it is necessary to seek assistance of local emergency or police personnel; death of a child while in the care of a provider; damage to the system's office that affects the operation of the system. For consistency with the requirements in other regulations for licensed programs, changes requirements for submission of an updated program description to the licensing office within 30 days of a change to the program description and for reporting of change in director to be within 10 days.
22VAC40-120-40.		7. Annually the system shall provide the regional office of the Virginia Department of Social Services, from which the system's license to operate is issued, a	To facilitate DSS's monitoring of the system as required by § 63.2-1706 of the Code, requires submission of directories of current member homes to the assigned licensing office on a quarterly basis rather than annually as

		current directory of approved homes that are members of the system	currently required.
22VAC40-120-60 A	22VAC40-121-70. General requirements for records.		For consistency with other Licensing regulations and to facilitate better understanding by system employees and Licensing staff, consolidates the current requirements for records into a single section.
	22VAC40-121-80. Public access to records.		A section is added that makes certain records available for public review, including but not limited to, confirmation that a family day home is a member of the system, evaluation and monitoring reports, enforcement letters, and completed complaint investigation reports, except reports of child abuse or neglect investigations. Access to information on system member homes was identified as a problem during a periodic review. This addition makes information available to parents to help them make more informed decisions in choosing a day care provider. The intent is for current information to be available to the licensing office for use in investigation of illegal operations, statistical reporting, and monitoring of the system, as required by § 63.2-1706 of the Code.
22VAC40-120-60 A	22VAC40-121-90. Confidentiality.		For consistency with other Licensing regulations and to facilitate better understanding by system employees and Licensing staff, consolidates the current requirements for confidentiality into a single section.
22VAC40-120-30 A.	22VAC40-121-100. General staff requirements.		For consistency with other Licensing regulations and to facilitate better understanding by system employees and Licensing staff, consolidates the current general staff requirements into a single section. Adds a requirement that the directors, staff members, volunteers, and any other persons who are alone with, in control of, or supervising one or more children, or involved in the day-to-day operations of the system shall comply with the current regulation and requirements of background checks in § 63.2-1720 of the Code and the regulation, Background Checks for Child Welfare Agencies (22VAC40-191).
22VAC40-120-30 B.	22VAC40-121-110. Position		For consistency with other Licensing regulations and to facilitate better

	descriptions.		understanding by system employees and Licensing staff, consolidates the current requirements for position descriptions into a single section.
22VAC40-120-30 C	22VAC40-121-120 Qualifications of the director.	(2) An individual assuming the duties of a director on or after the effective date of these standards shall have: (a) A master's degree in early childhood education, child development, social work, education or psychology from an accredited college or university, or the equivalent as determined and approved by the department, plus three years of experience in any one or more of these fields, including two years experience in a supervisory, administrative or management capacity; or (b) A bachelor's degree in early childhood education, child development, social work psychology or education from an accredited four year college or university, or the equivalent as determined and approved by the department, plus four years of experience in any of these fields, including two years experience in a supervisory, administrative or management capacity.	For consistency with other Licensing regulations and to facilitate better understanding by system employees and Licensing staff, consolidates the current requirements for the director's qualifications into a single section. Revised for clarity to facilitate better understanding by system employees, and Licensing staff. Adds "human services" as an acceptable background for the position.
22VAC40-120-30 C.	22VAC40-121-130 Responsibilities of the director		For consistency with other Licensing regulations and to facilitate better understanding by system employees and Licensing staff, consolidates the current requirements for the director's responsibilities into a single section. Adds the requirement that the director of the system assign sufficient staff to operate the system and that the director designate a staff member to serve in the director's absence. Revised to ensure continuation of operations.
22VAC40-120-30 C.	22VAC40-121-140. Qualifications	(2) Staff members designated to perform referral, training or home	For consistency with other Licensing regulations and to facilitate better understanding by system employees

	of referral and home visitation staff.	visitation services on or after the effective date of these standards shall have: (a) A bachelor's degree in early childhood education, child development, social work, psychology or education from an accredited four year college or university or the equivalent as determined and approved by the department, or (b) An associate degree, or equivalent, in human services, community and social service, or educational services or their equivalent as determined and approved by the department, from an accredited community college or four year college or university and two years supervised experience working in a child care center, residential children's facility, nursery school, family day-care home, or similar program providing care to children.	and Licensing staff, consolidates the current requirements for referral and home visitation staff into a single section. Adds "human services" as an acceptable educational background for the positions.
22VAC40-120-30 C. 2.	22VAC40- 150. Qualifications of trainers.	See above.	For consistency with other Licensing regulations and to facilitate better understanding by system employees and Licensing staff, consolidates the current requirements for trainer qualifications into a single section. Added are the qualifications for trainers also apply to those under contract, to include an associate's degree, bachelor of arts, bachelor of science, or advanced degree directly related to the area of training. The intent of this addition is to ensure that system staff and providers are receiving training from qualified trainers.
22VAC40-120-30 C. 2.	22VAC40- 160. Responsibilities of referral, training, and home visitation staff.	(c) Home visitation services—Visiting family day-care homes, for the purpose of approving homes in accordance with requirements established in 22VAC40-120-40 and any additional requirements established	For consistency with other Licensing regulations and to facilitate better understanding by system employees and Licensing staff, consolidates the current responsibilities for referral, training, and home visitation staff into a single section. Raises the number of system-approved homes for which a full-time home

		by the system and assuring continued compliance with these requirements. A full-time home visitation staff member shall be responsible for no more than 25 family day-care homes.	visitation staff member may be responsible from no more than 25 to no more than 30. Two years after the effective date of the regulation, the number will increase to 35. Four years after the effective date of the regulation, the number will increase to 40.
22VAC40-120-30 C.2.	22VAC40-121-170. Clerical or support staff.		For consistency with other Licensing regulations and to facilitate better understanding by system employees and Licensing staff, consolidates the current requirements for clerical or support staff into a single section.
22VAC40-120-30 D.	22VAC40-121-180. Volunteers.		For consistency with other Licensing regulations and to facilitate better understanding by system employees and Licensing staff, consolidates the current requirements for volunteers into a single section.
22VAC40-120-30 C. 3.	22VAC40-121-190. Staff orientation and training.	<p>c. A written plan of in-service training with specific well-defined objectives shall be prepared and implemented annually for each employee. A copy of this plan shall be filed in the employee's record and shall be made available to the department's representative upon request. (EXCEPTION: Clerical and custodial employees are exempt from this requirement.)</p> <p>d. Attendance at conferences, seminars, workshops, institutes and academic courses related to the employee's assigned duties and responsibilities shall be encouraged.</p>	<p>For consistency with other Licensing regulations and to facilitate better understanding by system employees and Licensing staff, consolidates the current requirements for staff orientation and training into a single section.</p> <p>Included in the orientation for newly employed system staff is the added requirement for training in recognizing and reporting child abuse and neglect. This addition assures that system staff comply with the reporting requirements of § 63.2-1509 of the Code.</p> <p>A requirement is added that system staff obtains a minimum of eight clock hours of training annually (the current regulation does not require a specific amount of time). The intent is to ensure that system staff is continuously working toward improving knowledge and skills necessary to carry out their duties and responsibilities.</p>
22VAC40-120-60 C 3.	22VAC40-121-200. Records for system staff and volunteers.		For consistency with other Licensing regulations and to facilitate better understanding by system employees and Licensing staff, consolidates the current requirements for records for system staff and volunteers into a single section.
22VAC40-120-40.B 2. and B.3.	22VAC40-121-210. Member home approval determination.		For consistency with other Licensing regulations and to facilitate better understanding by system employees and Licensing staff, consolidates the current requirements for records for

		<p>b. If the home is approved, the notification to the provider shall include the capacity of the home. In no case shall the capacity exceed nine children, including children under six who are related by blood or marriage to the day-care provider.</p>	<p>member home approval determination into a single section. Changes the maximum capacity of a member home that must not be exceeded from nine to twelve children, excluding the provider's own children and children who reside in the home. The intent is to incorporate a change in § 63.2-100 of the Code that became effective July, 1993.</p>
22VAC40-120-40.B 3.	22VAC40-121-220. Member home approval notification.		For consistency with other Licensing regulations and to facilitate better understanding by system employees, member homes, and Licensing staff, consolidates the current requirements for member home approval notification into a single section.
22VAC40-120-40.B 2.	22VAC40-121-230. Agreements with member homes.		For consistency with other Licensing regulations and to facilitate better understanding by system employees, member homes, and Licensing staff, consolidates the current requirements for records for agreements with member homes into a single section.
22VAC40-120-60 C 2.	22VAC40-121-240. Records on member homes.		For consistency with other Licensing regulations and to facilitate better understanding by system employees, member homes, and Licensing staff, consolidates the requirements for records on member homes into a single section.
22VAC40-120-60 C 2.	22VAC40-121-250. Caregiver records.		For consistency with other Licensing regulations and to facilitate better understanding by system employees, member homes, and Licensing staff, consolidates the current requirements for records for caregivers into a single section.
22VAC40-120-40 B 1.	22VAC40-121-260. Initial tuberculosis screening for caregivers and household members.	Prior to approval or contact with children, each individual shall obtain an evaluation indicating the absence of tuberculosis in a communicable form.	Upon recommendation from the Virginia Department of Health to ensure children's safety and to be consistent with requirements for licensed family day homes in 22VAC40-111, added a requirement that the tuberculosis screening be completed within the 30 days prior approval or contact with children.
22VAC40-120-40 B 1.	22VAC40-121-270. Subsequent tuberculosis screening for caregivers and household	Additional screening is not required for an individual who had a non-significant (negative) reaction to an initial tuberculin skin test.	Upon recommendation from the Virginia Department of Health to ensure children's safety and to be consistent with requirements for licensed family day homes in 22VAC40-111, adds requirement for tuberculosis screening every two years.

	members. 22VAC40-121-280. Physical and mental health examination for caregivers and household members.		For consistency with other Licensing regulations and to facilitate better understanding by system employees, member homes, and Licensing staff, consolidates the current requirements for physical and mental health examinations into a single section.
22VAC40-120-40.C.	22VAC40-121-290. Initial provider training and mentoring.	b. Such training shall include at minimum a two-hour training session on each of the following areas, unless the system develops a method to certify equivalent competency in these subject areas. Such methods shall be subject to review and approval by the department. (1) An orientation to the system; (2) Organizing for family day-care; (3) Child growth and development; (4) Health care; (5) First aid, home safety and fire safety; (6) Nutrition; (7) Child abuse and protection; (8) Appropriate activities and toys for mixed age groups of children; (9) Dealing with unacceptable behavior; (10) Community resources; (11) Parent and day-care provider relationships.	For children’s safety and to be consistent with requirements for licensed family day homes in 22VAC40-111, in addition to the current initial training requirements, the system must train providers on the requirements for member homes in this regulation and on confidential treatment of information about children and families. Also added is that providers must receive 40 hours of mentoring by an experienced system-approved provider.
	22VAC40-121-300. Orientation of substitute providers and assistants.		For children’s safety and to be consistent with requirements for licensed family day homes in 22VAC40-111, adds that the system must provide orientation to substitute providers and assistants.
22VAC40-120-40.C.	22VAC40-121-310. Annual training.	3. On-going training. a. Within each succeeding year, following the completion of initial training, the licensee shall provide at least two hours of on-going, in-service training to providers each quarter.	For children’s safety and to be consistent with requirements for licensed family day homes in 22VAC40-111, adds the requirement that effective July 1, 2012, the system provide a minimum of 14 clock hours of training annually to caregivers and effective July 1, 2013, the number of hours shall increase to 16 clock hours annually.

22VAC40-120-40.C.	22VAC40-121-320. Documentation of training and mentoring.		To be consistent with requirements for licensed family day homes in 22VAC40-111 and other licensed programs, adds specific information to be included in the documentation of training. To facilitate DSS monitoring of the system's compliance with standards as required by § 63.2-1706 of the Code, documentation of mentoring sessions is required.
22VAC40-120-40.D.	22VAC40-121-330. Technical assistance and consultation.		For consistency with other Licensing regulations and to facilitate better understanding by system employees, member homes, and Licensing staff, consolidates the current requirements for technical assistance and consultation into a single section.
22VAC40-120-40.B.	22VAC40-121-340. Monitoring		For consistency with other Licensing regulations and to facilitate better understanding by system employees, member homes, and Licensing staff, consolidates the current requirements for monitoring into a single section.
22VAC40-120-40.B.	22VAC40-121-350. Annual re-approval.		For consistency with other Licensing regulations and to facilitate better understanding by system employees, member homes, and Licensing staff, consolidates the current requirements for annual re-approval into a single section.
22VAC40-120-50 C.	22VAC40-121-360. Child abuse or neglect complaint.		For consistency with other Licensing regulations and to facilitate better understanding by system employees, member homes, and Licensing staff, consolidates the current requirements for investigation of abuse or neglect complaints into a single section.
22VAC40-120-50 C. 22VAC40-120-60 C.	22VAC40-121-370. Complaint record.		For consistency with other Licensing regulations and to facilitate better understanding by system employees, member homes, and Licensing staff, consolidates the current requirements for the complaint record into a single section.
22VAC40-120-50 C.	22VAC40-121-380. Complaint investigation.	4. A complete investigation shall be made, by the licensee, of each complaint received. This investigation shall: a. Be initiated within five working days following the receipt of the complaint:	For the protection of children and for consistency with other Licensing regulations, adds that complaints related to children's health and safety must be investigated immediately. Complaints not warranting immediate investigation must be initiated no later than five working days of following complaint receipt.
	22VAC40-121-		For the protection of children and for

	390. Corrective action plans.		consistency with the requirements in other regulated programs, requirements are added for developing corrective action plans when violations of standards are found including requirements for follow-up to assure the violations listed in the plan are abated.
22VAC40-120-60 B.	22VAC40-121-400. Suspensions and terminations.	B. Written policies and procedures. The following written policies and procedures shall be developed by the system: c. Policies for suspension or termination of a home that is a member of the system.	For the protection of children and to ensure consistency in the decision-making process, requirements and circumstances are added that could result in termination of a member home.
22VAC40-120-50 A.	22VAC40-121-410. Referral to member homes		To facilitate better understanding by system employees, member homes, and Licensing staff, consolidates the current requirements for referral to member homes into a single section.
22VAC40-120-50 A.	22VAC40-121-420. Agreements with parents.		To facilitate better understanding by system employees, member homes, and Licensing staff, consolidates the current requirements for agreements with parents into a single section.
22VAC40-120-50 B.	22VAC40-121-430. Records on children referred for care.	The system shall develop criteria and requirements that family day-care homes must meet to be approved as members of the system. At minimum these criteria and requirements shall address the following areas: j. Record keeping to include the records to be maintained in the home on each child and the content and format of each record.	For children’s safety and to be consistent with requirements for licensed family day homes in 22VAC40-111, to the current information to be maintained on children in care is additional emergency contact information, to include information on each parent’s place of employment; information on at least two designated persons to contact in an emergency if parents cannot be reached; information on allergies, food intolerances, medications; actions to take in an emergency related to allergies or food intolerances; and the name of the parent’s hospitalization or medical assistance plan. A copy of the information from the child’s record must be made available to the member home.
22VAC40-120-50 A.	22VAC40-121-440. Written information for parents.		To facilitate better understanding by system employees, member homes, and Licensing staff, consolidates the current requirements for information for parents into a single section.
	22VAC40-121-450. Proof of age and identity; record of child care		Requirements are added, as required by legislation passed by the 1998 General Assembly (§ 63.2-1809 of the Code) for verification of a child’s age, identity, and previous day care and

	and schools.		schools attended. Also added are requirements for destruction of the proof of identity, if reproduced or retained, in accordance with legislation passed by the 2004 General Assembly (§ 63.2-1809 of the Code).
22VAC40-120-50 A.	22VAC40-121-460. Immunizations for children.	<p>Each child accepted for care shall obtain a physical examination by or under the direction of a licensed physician prior to admission (as outlined below) or within 30 days after admission:</p> <p>(a) Within 60 days prior to admission for children six months of age and younger;</p> <p>(b) Within 90 days prior to admission for children seven months through 18 months of age;</p> <p>(c) Within six months prior to admission for children 19 months through 24 months of age;</p> <p>(d) Within 12 months prior to admission for children two years of age through five years of age;</p> <p>(e) Within 24 months prior to admission for children six years of age and above.</p>	To facilitate better understanding by system employees, member homes, and Licensing staff, consolidates the current requirements for immunizations into a single section. Immunization records are required to be available by the first day of a child's attendance as required by § 32.1-46 of the Code and Regulations for the Immunization for School Children (12 VAC 5-110).
22VAC40-120-50 A.	22VAC40-121-470. Physical examinations for children.		To facilitate better understanding by system employees, member homes, and Licensing staff, consolidates the current requirements or physical examinations into a single section.
22VAC40-120-50 A.	22VAC40-121-480. Form and content of immunization and physical examination reports for children.		To facilitate better understanding by system employees, member homes, and Licensing staff, consolidates the current requirements for physical examination and immunization reports into a single section.
	22VAC40-121-490. Parent notifications.		To comply with requirements of § 63.2-1809.1 of the Code of Virginia, added that parents must be notified if there no longer is liability insurance coverage in force on the operation of the family day

			<p>home. To strengthen authority and rights of parents, added requirements for the provider to notify the parent when a substitute provider will be caring for the children; when persistent behavioral problems are identified and any disciplinary steps taken; when changes are made to the home's emergency preparedness and response plan; anytime the child is to be taken off the premises of the family day home; and of the whereabouts of the child as soon as possible if emergency evacuation or relocation is necessary. To protect children , added that the provider must notify the parent immediately when the child has a head injury or serious injury that requires emergency medical or dental treatment, has an adverse reaction to medication; has been administered medication incorrectly, is lost or missing, or has died. Added that the parent must be notified the same day whenever first aid is administered to the child.</p>
<p>22VAC40-120-50 B.</p>	<p>22VAC40-121-500. Referral to health and social services.</p>	<p>The licensee shall have on file a written plan describing how the need for medical and social services is determined and how social services are made available, either within the system or by arrangement with specific public or private community agencies, or both. This written plan shall include the system's policy and procedures for referral of children and their parents to appropriate social, mental health, welfare and medical services.</p> <p>2. The licensee shall maintain a written record of all referrals of children and their families to social, mental health, welfare, and medical services which shall include the results of such referrals, when reports of such results are provided to the system.</p>	<p>Requirement for development of a written plan is deleted. The standard is simplified to require that a list of health and social services in the community be maintained for use in making referrals upon request. The standard is revised for clarity to facilitate better understanding by system employees, member homes, and Licensing staff.</p>

<p>22VAC40-120-40. B.</p>	<p>22VAC40-121-510. General qualifications for caregivers.</p>	<p>Family day-care providers and any assistant or assistants must have the following personal attributes:</p> <p>(a) An understanding of children and their problems together with an ability to relate to children with courtesy, respect, patience and affection, and understanding and respect for the child's family;</p> <p>(b) An ability to handle emergencies with dependability and good judgment; and</p> <p>(c) A motivation to contribute to children's wholesome development;</p> <p>(5) Family day-care providers and any assistant or assistants shall be responsible, wholesome, emotionally stable people of good character and reputation;</p> <p>(6) No person convicted of a crime involving child abuse, child neglect or moral turpitude shall be a family day-care provider or assistant.</p> <p>A family day-care provider must be able to read and write;</p>	<p>For children's safety, to comply with § 63.2-1720 of the Code concerning background checks, and to be consistent with requirements for licensed family day homes in 22VAC40-111, requirements were added for background checks and for caregivers to be able to speak, read, and write as necessary to carry out their duties and to communicate with emergency responders.</p>
<p>22VAC40-120-40. B. 22VAC40-120-50. A.</p>	<p>22VAC40-121-520. Qualifications and requirements for providers and substitute providers.</p>	<p>A family day-care provider must be at least 18 years of age;</p>	<p>For children's safety and to be consistent with requirements for licensed family day homes in 22VAC40-111, requirements are added that providers and substitute providers have current certification in first aid and cardiopulmonary resuscitation.</p>
<p>22VAC40-120-40. B.</p>	<p>22VAC40-121-530. Qualifications and requirements for assistants.</p>	<p>A family day-care assistant must be at least 14 years of age;</p>	<p>For children's safety and to be consistent with requirements for licensed family day homes in 22VAC40-111, the minimum age for an assistant was raised to 16 years of age and requirements are added when an adult assistant is left alone with children.</p>

	22VAC40-121-540. Attributes of household members.		For children’s safety, to comply with § 63.2-1720 of the Code concerning background checks, and to be consistent with requirements for licensed family day homes in 22VAC40-111, adds requirements for household members.
22VAC40-120-40. B.	22VAC40-121-550. Posting approval certificate.		To facilitate better understanding by system employees, member homes, and Licensing staff, consolidates the current requirement for posting the certificate into a single section.
	22VAC40-121-560. Medication administration training.		To comply with § 54.1-3408 O of the Code and to be consistent with requirements for licensed family day homes in 22VAC40-111, requirements were added that only trained caregivers administer prescription and non-prescription medications.
	22VAC40-121-570. Written information for parents.		To strengthen the authority and rights of parents and to be consistent with requirements for licensed family day homes in 22VAC40-111, adds requirements for the home to provide certain information about the home to parents.
22VAC40-120-50 B	22VAC40-121-580. Written permissions.	The child care agreement shall address the following items: i. Granting or denying permission for field trips; j. Granting or denying permission for participation in water activities, such as swimming and wading;	To facilitate better understanding by system employees, member homes, and Licensing staff, consolidates the current requirements for written permissions into a single section. To protect children and to be consistent with requirements for licensed family day homes in 22VAC40-111, adds that the permission for swimming (in water over the child’s shoulders) must include a statement about the child’s swimming skills.
	22VAC40-121-590. Children’s records.	Records on children referred for care. a. An individual record shall be maintained on each child accepted by the system and referred to a member home for care. b. This record shall be established when the child is accepted for care. c. The record shall be kept current. d. It shall contain at a minimum the following: (1) A copy of the child care	To help ensure children’s safety, to strengthen parent’s authority, and to facilitate the inspection process, requirements were added for the provider to maintain the following in the child’s record: up-to-date information on the child that is provided by the system; written acknowledgement of the parent’s receipt of certain required information from the home; written permissions; authorization for the administration of medication, if applicable; and injury records.

		<p>agreement required by 22VAC40-120-50 A 5, 6, and 7;</p> <p>(2) A record of placement which contains the name of each home in which the child has received care, the date referred for care and the date and reason care was terminated;</p> <p>(3) A copy of the medical information required by 22VAC40-120-50 A 8;</p> <p>(4) A copy of the emergency medical authorization form required by 22VAC40-120-50 A 9;</p> <p>(5) A record or each referral of the child and/or the family to social, mental health, welfare and medical services as required by 22VAC40-120-50 B 2.</p> <p>e. A copy of the records required by subdivisions C 4 d (3) and (4), shall be on file in the member home in which the child is provided care.</p>	
22VAC40-120-40 B	22VAC40-121-600. Home maintenance.	<p>The system shall develop criteria and requirements that family day-care homes must meet to be approved as members of the system. At minimum these criteria and requirements shall address the following areas: c. The physical environment which includes:</p> <p>(1) Physical plant requirements (building and grounds) and requirements for maintenance and cleanliness;</p>	<p>To protect children, requirements for home safety have been added to be consistent with requirements for licensed family day homes in 22VAC40-111. Areas and furnishings of the family day home, inside and outside, must be maintained in a clean, safe, and operable condition Equipment, materials, or furnishings must not be used if recalled or identified by the U.S. Consumer Product Safety Commission as being hazardous.”</p>
	22VAC40-121-610. Hanging, suffocation, and strangulation	<p>The system shall develop criteria and requirements that family day-care homes must meet to be approved as members of the system.</p>	<p>For children’s safety and to be consistent with requirements for licensed family day homes in 22VAC40-111 which follow recommendations of the American Academy of Pediatrics,</p>

	hazards.	At minimum these criteria and requirements shall address the following areas: c. The physical environment which includes: (5) Absence of safety hazard	the American Public Health Association, and the Maternal and Child Health Bureau of the Health Resources and Services Administration, added that items such as window blind or curtain cords, appliance cords, and ropes be kept out of reach of children under five years of age; toys of a certain size be kept from children under three years of age; items tied across or to cribs and playpens be removed when a child can push up on hands and knees; and hood or neck drawstrings be removed from children's clothing before they use climbing equipment.
	22VAC40-121-620. Drowning hazards.	The system shall develop criteria and requirements that family day-care homes must meet to be approved as members of the system. At minimum these criteria and requirements shall address the following areas: c. The physical environment which includes: (5) Absence of safety hazard	For children's safety and to be consistent with requirements for licensed family day homes in 22VAC40-111, requirements added to prevent children's access to above-ground pools. Play areas within 30 feet of unfenced in-ground pools, ponds and fountains must be surrounded by a non-climbable barrier such as a fence (current providers have one year to comply). Portable wading pools must be cleaned after each use, emptied and stored when not in use, and not used by children who are not potty trained. Bathtubs, buckets, and other containers of liquid that are accessible to children must be emptied immediately after use in order to eliminate the danger of drowning, particularly for a small child whose head is heavier than his body. Other added requirements intended to prevent drowning include a prohibition against children's use of hot tubs, spas and whirlpools, and the requirement that these items be covered with safety covers while children are in care.
	22VAC40-121-630. Firearms and ammunition.	The system shall develop criteria and requirements that family day-care homes must meet to be approved as members of the system. At minimum these criteria and requirements shall address the following areas: c. The physical environment which includes: (5) Absence of safety hazard	For children's safety and to be consistent with requirements for licensed family day homes in 22VAC40-111, requirements related to storage of firearms and ammunition have been added.
	22VAC40-121-	The system shall develop	For children's safety and to be

	640. Poisonous materials.	criteria and requirements that family day-care homes must meet to be approved as members of the system. At minimum these criteria and requirements shall address the following areas: c. The physical environment which includes: (5) Absence of safety hazard	consistent with requirements for licensed family day homes in 22VAC40-111, requirements related to storage of poisonous materials have been added.
	22VAC40-121-650. Sharp objects.	The system shall develop criteria and requirements that family day-care homes must meet to be approved as members of the system. At minimum these criteria and requirements shall address the following areas: c. The physical environment which includes: (5) Absence of safety hazard	The section requiring that sharp objects be inaccessible was added for children's safety and to be consistent with requirements for licensed family day homes in 22VAC40-111.
	22VAC40-121-660. Body fluids contamination.	The system shall develop criteria and requirements that family day-care homes must meet to be approved as members of the system. At minimum these criteria and requirements shall address the following areas: c. The physical environment which includes: (5) Absence of safety hazard	To prevent the spread of infectious diseases and to be consistent with requirements for licensed family day homes in 22VAC40-111, the following has been added: "When any surface has been contaminated with body fluids, it shall be cleaned and sanitized."
	22VAC40-121-670. Machinery.	The system shall develop criteria and requirements that family day-care homes must meet to be approved as members of the system. At minimum these criteria and requirements shall address the following areas: c. The physical environment which includes: (5) Absence of safety hazard	To protect children and to be consistent with requirements for licensed family day homes in 22VAC40-111, a requirement was added that power tools and machinery be inaccessible to children.
	22VAC40-121-680. Fire safety and shock	The system shall develop criteria and requirements that family day-care homes	For children's safety and to be consistent with requirements for licensed family day homes in 22VAC40-

	prevention.	must meet to be approved as members of the system. At minimum these criteria and requirements shall address the following areas: c. The physical environment which includes: (5) Absence of safety hazard	111, the proposed regulation prohibits the use of unvented fuel burning heaters when children are in care and requires that open and obvious hazards and the absence of fire extinguishers and smoke detectors be reported to local fire officials in accordance with the 2000 Memorandum of Agreement between the Department of Social Services and the Department of Housing and Community Development and according to a guidance document issued in 2002.
22VAC120-40-B	22VAC40-121-690. Telephones.	Each member home shall have a working telephone on the premises with a listed number.	To ensure providers can always contact emergency responders and parents and to be consistent with requirements for licensed family day homes in 22VAC40-111, a requirement was added that the home have a land-line telephone.
22VAC120-40-B	22VAC40-121-700. Bathrooms.	The system shall develop criteria and requirements that family day-care homes must meet to be approved as members of the system. At minimum these criteria and requirements shall address the following areas: c. The physical environment which includes: (3) Toileting and bathing facilities	For infection control purposes and to be consistent with requirements for licensed family day homes in 22VAC40-111, the proposed regulation requires bathrooms used by children to contain paper, toilet tissue, and liquid soap.
22VAC120-40-B	22VAC40-121-710. Water supply.	The water supply and sanitary disposal system shall be approved by the health officer, unless water is obtained from a municipal supply and the member home is connected to a municipal sewer line.	For infection control purposes and to be consistent with requirements for licensed family day homes in 22VAC40-111, added a requirement for the home to have an ample supply of hot and cold water available to children and caregivers for hand washing. To prevent scalding and to be consistent with requirements for licensed family day homes in 22VAC40-111, a requirement was added that "Hot water at taps available to children shall be maintained within a range of 105°F to 120°F."
22VAC120-40-B	22VAC40-121-720. Garbage.	The system shall develop criteria and requirements that family day-care homes must meet to be approved as members of the system. At minimum these criteria and requirements shall address the following	The section on storage and removal of garbage was added for children's health and safety and to be consistent with requirements for licensed family day homes in 22VAC40-111.

		<p>areas: c. The physical environment which includes:</p> <p>(5) Absence of safety hazard</p>	
22VAC120-40-B	22VAC40-121-730. Rodents and insects.	<p>The system shall develop criteria and requirements that family day-care homes must meet to be approved as members of the system. At minimum these criteria and requirements shall address the following areas: c. The physical environment which includes:</p> <p>(5) Absence of safety hazard</p>	<p>The section on controlling insects and rodents was added for children’s safety and to be consistent with requirements for licensed family day homes in 22VAC40-111.</p>
22VAC120-40-B	22VAC40-121-740. Space.	<p>The system shall develop criteria and requirements that family day-care homes must meet to be approved as members of the system. At minimum these criteria and requirements shall address the following areas: c. The physical environment which includes:</p> <p>(6) Adequate space requirements for play activities and napping.</p>	<p>This section on requiring adequate space to allow a child free movement and active play indoors and outdoors was added for children’s safety and to be consistent with requirements for licensed family day homes in 22VAC40-111.</p>
	22VAC40-121-750. Individual location.		<p>This section on requiring a child an individual space for clothing, toys, and belongings was added for infection control purposes and to be consistent with requirements for licensed family day homes in 22VAC40-111.</p>
	22VAC40-121-760. Heating and cooling.		<p>This section on requiring minimum and maximum temperatures in a member homes was added for children’s comfort and safety and to be consistent with requirements for licensed family day homes in 22VAC40-111.</p>
22VAC120-40-B	22VAC40-121-770. Electric fans.	<p>The system shall develop criteria and requirements that family day-care homes must meet to be approved as members of the system. At minimum these criteria and requirements shall address the following areas: c. The physical</p>	<p>For children’s safety and to be consistent with requirements for licensed family day homes in 22VAC40-111, added that portable fans must be securely mounted out of the reach of children and equipped with a mesh guard.</p>

		environment which includes: (5) Absence of safety hazard	
22VAC120-40-B	22VAC40-121-780. Lighting.	The system shall develop criteria and requirements that family day-care homes must meet to be approved as members of the system. At minimum these criteria and requirements shall address the following areas: c. The physical environment which includes: (4) Lighting requirements;	For children's safety and to be consistent with requirements for licensed family day homes in 22VAC40-111, added that areas used by children be lighted with natural or electric lighting.
22VAC120-40-B	22VAC40-121-790. Stairs.	The system shall develop criteria and requirements that family day-care homes must meet to be approved as members of the system. At minimum these criteria and requirements shall address the following areas: c. The physical environment which includes: (5) Absence of safety hazard	For children's safety and to be consistent with requirements for licensed family day homes in 22VAC40-111, the regulation requires that children under two years of age and children over two years of age who are not developmentally ready to climb or descend stairs without supervision not have access to stairs. Accordion expansion gates and pressure-mounted gates shall not be used as protective barriers at stair openings. Children over age two must not have access to stairs without barriers or guardrails to prevent a child's climbing over, falling through, or becoming entrapped.
22VAC120-40-B	22VAC40-121-800. Decks and porches.	The system shall develop criteria and requirements that family day-care homes must meet to be approved as members of the system. At minimum these criteria and requirements shall address the following areas: c. The physical environment which includes: (5) Absence of safety hazard	To reduce the risk of injuries due to falls or head entrapment and to be consistent with requirements for licensed family day homes in 22VAC40-111, a child must not have access to decks, porches, lofts, and balconies more than 15½ inches above the floor or grade below that do not have barriers or guardrails to prevent a child's climbing over, falling through, or becoming entrapped.
22VAC120-40-B	22VAC40-121-810. Doors and windows.	The system shall develop criteria and requirements that family day-care homes must meet to be approved as members of the system. At minimum these criteria and requirements shall address the following	For children's safety and to be consistent with requirements for licensed family day homes in 22VAC40-111, added that closet door latches must be such that children can open the door from inside the closet. Bathroom door locks must be designed to permit opening of the locked door from the

		<p>areas: c. The physical environment which includes:</p> <p>(5) Absence of safety hazard</p>	<p>outside with a readily accessible opening device. Glass doors must be marked with markings at the eye level of children in care.</p>
22VAC120-40-B	22VAC40-121-820. Animals.	<p>The system shall develop criteria and requirements that family day-care homes must meet to be approved as members of the system. At minimum these criteria and requirements shall address the following areas: c. The physical environment which includes:</p> <p>(5) Absence of safety hazard</p>	<p>To protect children and to be consistent with requirements for licensed family day homes in 22VAC40-111, requirements were added that the provider must have documentation of the current rabies vaccination; animals that have shown aggressive behavior may not be kept in the home or on the grounds; certain disease-carrying animals and animal toys, food dishes, and water dishes are prohibited in areas accessible to children during the hours the day care home is in operation; and animal excrement must be removed promptly, disposed of properly, and the soiled area cleaned.</p>
22VAC120-40-B	22VAC40-121-830. Smoking and prohibited substances.	<p>The system shall develop criteria and requirements that family day-care homes must meet to be approved as members of the system. At minimum these criteria and requirements shall address the following areas: c. The physical environment which includes:</p> <p>(5) Absence of safety hazard</p>	<p>To protect children from second-hand smoke and to be consistent with requirements for licensed family day homes in 22VAC40-111 which follow recommendations of the American Academy of Pediatrics, the American Public Health Association, and the Maternal and Child Health Bureau of the Health Resources and Services Administration, the proposed regulation prohibits smoking indoors while children are in care or outdoors in areas occupied by children.</p> <p>To ensure the safety of children and to be consistent with requirements for licensed family day homes in 22VAC40-111, requirements were added that no caregiver may be under the influence of medication that impairs functioning, alcohol, or illegal drugs.</p>
22VAC120-40-B	22VAC40-121-840. Play equipment and materials.	<p>The system shall develop criteria and requirements that family day-care homes must meet to be approved as members of the system. At minimum these criteria and requirements shall address the following areas: c. The physical environment which includes:</p> <p>(2) Furnishing and equipment appropriate to</p>	<p>To be consistent with requirements for licensed family day homes in 22VAC40-111, the proposed regulation requires equipment and materials to be appropriate to the age, size, ability and interests of the children; requires the provider to provide arts and crafts materials, texture materials, construction materials, music and sound materials, books, social living equipment and manipulative equipment; requires equipment used by children to be assembled, maintained, and used</p>

		the ages of children in care; (5) Absence of safety hazard	according to the manufacturer's instructions and be non-toxic, free of hazards, and clean. To prevent the spread of disease, toys mouthed by children must be cleaned and sanitized daily.
22VAC120-40-B	22VAC40-121-850. Indoor slides and climbing equipment.	The system shall develop criteria and requirements that family day-care homes must meet to be approved as members of the system. At minimum these criteria and requirements shall address the following areas: c. The physical environment which includes: (5) Absence of safety hazard	For children's safety and to be consistent with requirements for licensed family day homes in 22VAC40-111, a requirement was added that indoor slides and climbing equipment over 18 inches high must not be over bare floor.
22VAC120-40-B	22VAC40-121-860. Outdoor play area and equipment.	The system shall develop criteria and requirements that family day-care homes must meet to be approved as members of the system. At minimum these criteria and requirements shall address the following areas: c. The physical environment which includes: (5) Absence of safety hazard	For children's safety based on recommendations from the U.S. Consumer Product Safety Commission and to be consistent with requirements for licensed family day homes in 22VAC40-111, requirements were added that a barrier surround outdoor play areas located within 30 feet of hazards (current providers have one year to comply with this requirement); the highest rung or platform of outdoor climbing equipment must not be over 6' for school age children and 4' for preschool children. Stationary outdoor equipment must not be installed over concrete, asphalt, or other hard surface; must be placed at least 6' from other play structures or obstacles; and be firmly anchored with materials covering the ground supports. "S" hooks must be tightly closed; swings must have flexible seats (unless a caregiver stays within arm's length to protect other children); above-ground openings must be of a size to prevent head entrapment; no ropes, loops, or hanging apparatus that could tighten upon a child may be used; equipment with moving parts that could pinch or crush a child's hand or fingers is prohibited unless the moving parts are covered by guards; platforms and ramps over 30" high must have been designed with guardrails or barriers to

			prevent falls; sandboxes must be covered when not in use; and trampolines may not be used while children are in care.
22VAC120-40-B	22VAC40-121-870. Rest areas.	The system shall develop criteria and requirements that family day-care homes must meet to be approved as members of the system. At minimum these criteria and requirements shall address the following areas: c. The physical environment which includes: (5) Absence of safety hazard	For children’s safety and to be consistent with requirements for licensed family day homes in 22VAC40-111, added that upper levels of double-deck beds must not be used and occupied cribs, rest mats, and beds must be at least 3’ from any heat-producing appliance, and at least 12” from each other.
22VAC120-40-B	22VAC40-121-880. Cribs.	The system shall develop criteria and requirements that family day-care homes must meet to be approved as members of the system. At minimum these criteria and requirements shall address the following areas: c. The physical environment which includes: (5) Absence of safety hazard	For children’s safety, to comply with federal requirements, and to be consistent with requirements for licensed family day homes in 22VAC40-111, added that cribs must meet the current Consumer Product Safety Commission standards for cribs and use of crib-bumper pads is prohibited.
22VAC120-40-B	22VAC40-121-890. Linens.	The system shall develop criteria and requirements that family day-care homes must meet to be approved as members of the system. At minimum these criteria and requirements shall address the following areas: c. The physical environment which includes: (5) Absence of safety hazard	For children’s comfort and to be consistent with requirements for licensed family day homes in 22VAC40-111, added that cribs, cots, rest mats, and beds used by children other than infants shall have top and bottom covers or a one-piece covering that is open on three sides; cribs used by infants must have a tight-fitting bottom cover. To prevent suffocation and to be consistent with requirements for licensed family day homes in 22VAC40-111, no soft bedding or toys may used under or around infants; children under 2 years may not use pillows or filled comforters. For sanitation purposes and to be consistent with requirements for licensed family day homes in 22VAC40-111, pillows must be assigned for individual use and covered with pillowcases; mattresses must be

			covered with waterproof material that can be cleaned and sanitized.
22VAC120-40-B	22VAC40-121-900. Infant and toddler equipment.	The system shall develop criteria and requirements that family day-care homes must meet to be approved as members of the system. At minimum these criteria and requirements shall address the following areas: c. The physical environment which includes: (5) Absence of safety hazard	For children’s safety and to be consistent with requirements for licensed family day homes in 22VAC40-111, the proposed regulation states that “infant carrier seat, swings, strollers, feeding and activity tables, and high chairs shall be used according to the manufacturer’s instructions and when occupied by a child, a safety strap shall be used and securely fastened.”
22VAC120-40-B	22VAC40-121-910. Play pens.	The system shall develop criteria and requirements that family day-care homes must meet to be approved as members of the system. At minimum these criteria and requirements shall address the following areas: c. The physical environment which includes: (5) Absence of safety hazard	For children’s safety and to be consistent with requirements for licensed family day homes in 22VAC40-111, the proposed regulation adds requirements for play pen construction based on recommendations of the U.S. Consumer Product Safety Commission. Play pens must have the sides up and fastenings secured (except the caregiver is giving the child immediate attention); must be cleaned and sanitized at least daily; not be occupied by more than one child; not have hazards such as torn mesh sides or broken hinges; not contain any pillows, filled comforters, large toys or other objects that could be used as a stepping stool; not be used by children weighing 30 pounds or more; and not be used by children 35” tall or taller.
22VAC120-40-B	22VAC40-121-920. Supervision.	The system shall develop criteria and requirements that family day-care homes must meet to be approved as members of the system. At minimum these criteria and requirements shall address the following areas: e. Care of children including at minimum supervision of children in care Children must be supervised at all times by an adult and shall not be left alone in the care of an assistant under the age of 18 years.	For the safety of children and to be consistent with requirements for licensed family day homes in 22VAC40-111, the proposed regulation adds that caregivers who are supervising children must ensure the children’s care, protection, and guidance; when awake, infants and toddlers must always be within actual sight and sound of a caregiver; when awake, preschoolers must always be within actual sight or sound of a caregiver (if only within sound of a caregiver, must be monitored by in-person checks every 15 minutes and every 5 minutes if in the bathroom); sleeping infants, toddler, and preschoolers must be within sight or sound of a caregiver (if only within sound of a caregiver, must be observed by a caregiver every 15 minutes); and

			no child under 5 years or older than 5 if lacking in strength and motor skills, shall be left unattended in the bathtub.
22VAC120-40-B	22VAC40-121-930. Determining need for additional caregiver.	The system shall develop criteria and requirements that family day-care homes must meet to be approved as members of the system. At minimum these criteria and requirements shall address the following areas: b. Ratio of adults to children in care. Ratios shall be based at minimum on the number, ages and needs of children in care. The system shall require at least one adult for every eight children in care, and infants below the age of two years shall be counted as two children in determining staff requirements.	Section was amended by specifying a point system rather than ratios to ensure the adequate supervision of children and to be consistent with requirements for licensed family day homes in 22VAC40-111.
22VAC120-40-B	22VAC40-121-940. General requirements for programs.	The system shall develop criteria and requirements that family day-care homes must meet to be approved as members of the system. At minimum these criteria and requirements shall address the following areas: e. The planning and providing of varied daily activities which are appropriate to the ages, needs, and capabilities of children in care.	To promote the child's physical, intellectual, emotional, and social well-being and growth and to be consistent with requirements for licensed family day homes in 22VAC40-111, the proposed regulation requires caregivers to provide children needed help, comfort, and support; respect personal privacy; respect differences in cultural, ethnic, and family backgrounds; encourage decision-making abilities; promote getting along; encourage independence and self-direction; and use consistency in applying expectations. Added that the activities must reflect the diversity of enrolled children's families, culture, ethnic backgrounds; and enhance the total development of children.
	22VAC40-121-950. Requirements for sleeping and resting.		To reduce the danger of Sudden Infant Death Syndrome (SIDS) and to be consistent with requirements for licensed family day homes in 22VAC40-111, added that infants must be placed on their backs to sleep or nap unless otherwise ordered in writing by the child's physician. For the comfort of children and to be consistent with requirements for licensed family day homes in 22VAC40-

			111, also added that school age children shall be allowed to nap if needed, but not forced to do so.
	22VAC40-121-960. Daily activities for infants and toddlers.		To enhance the development of children and to be consistent with requirements for licensed family day homes in 22VAC40-111, the proposed regulation adds requirements for infants and toddlers to be provided with opportunities to interact with caregivers and other children in order to stimulate language development, to play with a wide variety of safe, age-appropriate toys; to receive individual attention from caregivers; to engage in activities to develop motor skills; and to spend no longer than 30 minutes of consecutive time in confining equipment (except to eat).
	22VAC40-121-970. Television, computers, videos, and video games.		To ensure that children are involved in more stimulating activities and to be consistent with requirements for licensed family day homes in 22VAC40-111, use of media such as television, videos, computers, etc. is limited to a total of 2 hours per day and limited to programs, etc. that are suitable for children. Other activities must be made available to children during television or video viewing.
	22VAC40-121-980. Care of a child with special needs.		Section was added to ensure the adequate care of a child with special needs and to be consistent with requirements for licensed family day homes in 22VAC40-111.
22VAC120-40-B	22VAC40-121-990. Behavioral guidance.	The system shall develop criteria and requirements that family day-care homes must meet to be approved as members of the system. At minimum these criteria and requirements shall address the following areas: f. Methods of dealing with unacceptable behavior which prohibit harsh and unreasonable punishment.	Separate section on acceptable types of behavioral guidance was added to ensure the safety of children and to be consistent with requirements for licensed family day homes in 22VAC40-111.
22VAC120-40-B	22VAC40-121-1000. Forbidden actions.	See above.	Separate section on unacceptable types of behavioral guidance was added to ensure the safety of children and to be consistent with requirements for licensed family day homes in 22VAC40-111.
	22VAC40-121-1010. Parent		To strengthen authority and rights of parents and to be consistent with

	notifications.		requirements for licensed family day homes in 22VAC40-111, added requirements for the provider to daily provide information to parents about the child's health, development, behavior, adjustment, or needs; to notify the parent when a substitute provider will be caring for the children and when persistent behavioral problems are identified and any disciplinary steps taken. Also added that the provider must notify the parent immediately and the system when the child has a head injury or serious injury that requires emergency medical or dental treatment, has an adverse reaction to medication; has been administered medication incorrectly, is lost or missing, or has died. Added that the parent must be notified the same day whenever first aid is administered to the child; the provider must inform parents of any changes in the home's emergency preparedness and response plan, of anytime the child is to be taken off the premises of the family day home, and of the whereabouts of the child as soon as possible if emergency evacuation or relocation is necessary,
	22VAC40-121-1020. Swimming and wading activities.		To decrease the risk of drowning and to be consistent with requirements for licensed family day homes in 22VAC40-111, the proposed regulation requires that the point system for determining the need for an extra caregiver be maintained while children are swimming or wading. Written parental permission must be obtained for swimming or wading activities. Before a child is allowed in water above his shoulders, a written statement must be obtained from the parent advising of the child's swimming skills. Caregivers shall have a system for accounting for all children in the water and outdoor swimming is allowed only during daylight hours. If children are in water over 2' deep, an individual certified in basic water safety, Water Safety Today, water safety instruction, or lifeguarding shall be on duty supervising the children. The certification must be from an organization such as the American Red Cross, the YMCA, or the Boy Scouts.
	22VAC40-121-1030.		To be consistent with requirements for licensed family day homes in 22VAC40-

	Exclusion of sick children.		111 which follows recommendations of the American Academy of Pediatrics, the American Public Health Association, and the Maternal and Child Health Bureau of the Health Resources and Services Administration, the list of excludable conditions was added to include: both fever and behavior change, symptoms of severe illness, diarrhea, vomiting 2 or more times in 24 hours, or symptoms of a communicable disease listed in the Health Department's communicable disease chart.
	22VAC40-121-1040. Hand washing.		To prevent the spread of disease and to be consistent with requirements for licensed family day homes in 22VAC40-111, the proposed regulation adds that caregivers are to wash their hands with liquid soap and warm running water, wash when their hands are dirty, before feeding or helping children with feeding, after contact with any body fluids, after handling raw eggs or meat. Also added that children's hands are to be washed when they are dirty and after contact with any body fluids.
	22VAC40-121-1050. Diapering and toileting.		To prevent the spread of disease and to be consistent with requirements for licensed family day homes in 22VAC40-111, the proposed regulation adds that the diapering surface be separate from the kitchen and food preparation areas, and be non-absorbent and washable; adds requirements for handling soiled cloth and disposable diapers. To strengthen authority and rights of parents and to be consistent with requirements for licensed family day homes in 22VAC40-111, a requirement was added for consultation with the parent before beginning toilet training. For the child's safety and comfort and to be consistent with requirements for licensed family day homes in 22VAC40-111, caregivers must respond promptly to a child's request for toileting assistance, toilet training is to be relaxed and pressure free; and a toilet chair or adult-sized toilet with a platform or steps and adapter seat must be available to each child being toilet trained.
	22VAC40-121-1060. General requirements		For the safety of children and to be consistent with requirements for licensed family day homes in 22VAC40-

	for medication administration.		111, the proposed regulation adds that medication is to be given according to the home's written medication policies (a provider is not required to administer medications); the parent's authorization for medication administration expires or must be renewed after 10 work days (unless written authorization for long-term administration is provided by the child's physician and parent); when an authorization expires, the parent must be notified that it must be picked up within 14 days or renewed; medications not picked up by parents within 14 days must be destroyed.
	22VAC40-121-1070. Prescription medication.		To comply with § 54.1-3408 O of the Code and to be consistent with requirements for licensed family day homes in 22VAC40-111, requirements were added that the family day home only administer prescription medication that would normally be administered by a parent or guardian; caregivers administer only drugs dispensed from a pharmacy and maintained in the original, labeled container; and administer drugs only to the child identified on the prescription label in accordance with the prescriber's instructions for the dosage, frequency, and manner of administration.
	22VAC40-121-1080. Nonprescription medication.		To protect children and to be consistent with requirements for licensed family day homes in 22VAC40-111, the proposed regulation adds that non-prescription medication must be in the original container with the manufacturer's direction label attached; given only at the dose, duration, and method of administration specified on the manufacturer's label for the age or weight of the child; and not be used beyond the expiration date of the product.
	22VAC40-121-1090. Storage of medication.		For the protection of children and to be consistent with requirements for licensed family day homes in 22VAC40-111, the proposed regulation requires that medications for children in care be stored separately from medications for household members and caregivers; when needed, medication be refrigerated; when medication is stored in a refrigerator used for food, the medications be stored together in a container or in a clearly defined area

			away from food; medication, except for those prescriptions designated otherwise by a written physician's order, including refrigerated medication and medications for caregivers and household members, be kept in a locked place using a safe locking method that prevents access by children, and if a key is used, the key not be accessible to the children.
	22VAC40-121-1100. Medication records.		For the protection of children and to be consistent with requirements for licensed family day homes in 22VAC40-111, the proposed regulation requires the provider to keep a record of prescription and nonprescription medication given to a child.
	22VAC40-121-1110. Topical skin products.		For the protection of children and to be consistent with requirements for licensed family day homes in 22VAC40-111, the proposed regulation requires that when sunscreen, diaper ointment, and insect repellent are used, the parent must provide written authorization noting any known adverse reaction; the product must be in the original container labeled with the child's name; manufacturer's instructions for application must be followed; and parents must be informed immediately of any adverse reaction; the product must be inaccessible to children; caregivers without medication administration training may apply the product unless it is a prescription medication; and the product may not be used beyond its expiration date.
	22VAC40-121-1120. First aid and emergency medical supplies.		For the protection of children and to be consistent with requirements for licensed family day homes in 22VAC40-111, the contents of the first aid kit are listed. A digital thermometer is required due to the danger of using mercury thermometers with children. Based on recommendations from the American Academy of Pediatrics and the American Heart Association, the requirement for syrup of ipecac was deleted. Based on the recommendation of the Poison Control Center, a requirement was added for activated charcoal preparation to be in the kit in certain situations.
	22VAC40-121-1130.		Based on recommendations from the Virginia Department of Emergency

	Emergency flashlights and radios.		Management and the National Weather Service and to be consistent with requirements for licensed family day homes in 22VAC40-111, requirements were added for a battery-operated weather band radio and extra batteries.
	22VAC40-121-1140. Emergency information.		For the protection of children and to be consistent with requirements for licensed family day homes in 22VAC40-111, providers are required to provide to a physician, hospital, or emergency responder the child's emergency contact information and the parent's authorization for emergency medical care.
22VAC120-40-B	22VAC40-121-1150. Posted telephone numbers.	The phone number for a doctor who may be called in an emergency, an ambulance service or rescue squad, the fire department and the police shall be posted near the phone.	For the safety of children in an emergency and to be consistent with requirements for licensed family day homes in 22VAC40-111, providers are required to post a 911 or local dial number for police, fire, and emergency medical personnel and to post the telephone number of a responsible person for emergency back-up care.
	22VAC40-121-1160. Emergency preparedness and response plan.		For children's safety based on recommendations from the Virginia Department of Emergency Management and to be consistent with requirements for licensed family day homes in 22VAC40-111, a written emergency preparedness and response plan is required that addresses most likely to occur emergency scenarios; has evacuation, relocation, and shelter-in-place procedures; and includes the provision for a responsible person at least 18 years of age to be available within 10 minutes for emergency back-up care until the children can be picked up by their parents. The provider must review the plan annually, update it as needed, and train each caregiver on the plan within the first week of assuming job responsibilities, at least annually thereafter, and whenever the plan changes.
	22VAC40-121-1170. Evacuation and relocation procedures.		For children's safety based on recommendations from the Virginia Department of Emergency Management and to be consistent with requirements for licensed family day homes in 22VAC40-111, requirements were added for the emergency preparedness and response plan to contain evacuation and relocation

			<p>procedures that include methods to alert caregivers and emergency responders; primary and secondary routes out of the building; assembly points; relocation sites; methods to ensure all children are evacuated or moved to a relocation site; methods to account for all children at assembly points and relocation site; methods to ensure essential documents, medications, and supplies are taken to the assembly point and relocation site; the method of communication with emergency responders and parents after the evacuation and the method of communication with parents after the relocation.</p>
	<p>22VAC40-121-1180. Shelter-in-place procedures.</p>		<p>For children’s safety based on recommendations from the Virginia Department of Emergency Management and to be consistent with requirements for licensed family day homes in 22VAC40-111, requirements were added for the emergency preparedness and response plan to contain shelter-in-place procedures that include methods to alert caregivers and emergency responders; designated safe locations; primary and secondary routes to the safe locations; methods to ensure all children are moved to the safe locations; methods to account for all children at the safe locations; methods to ensure essential documents, medications, and supplies are taken to the safe location; the method of communication with emergency responders and parents.</p>
	<p>22VAC40-121-1190. Emergency response drills.</p>		<p>For children’s safety based on recommendations from the Virginia Department of Emergency Management, to comply with the Statewide Fire prevention Code, and to be consistent with requirements for licensed family day homes in 22VAC40-111, requirements were added for practicing the emergency evacuation monthly on all shifts that children are in care.</p>
	<p>22VAC40-121-1200. Injury records.</p>		<p>For the protection of children and to be consistent with requirements for licensed family day homes in 22VAC40-111, providers must keep a record of a child’s injury in the home that required first aid or emergency medical or dental treatment.</p>

	22VAC40-121-1210. Reports to system.		To facilitate a prompt investigation and to be consistent with requirements for licensed family day homes in 22VAC40-111, providers must make prompt reports to the system when a child is lost or missing, sustains a serious injury, or dies.
22VAC40-120-50 C	22VAC40-121-1220. Reports of suspected child abuse or neglect and disease outbreaks.		To comply with §§ 32.1-37 and 63.2-1509 of the Code, added that the provider must immediately report suspected child abuse or neglect and an outbreak of a disease.
22VAC120-40-B	22VAC40-121-1230. General requirements for meals and snacks.	The system shall develop criteria and requirements that family day-care homes must meet to be approved as members of the system. At minimum these criteria and requirements shall address the following areas: g. Nutrition to assure that nutritious and adequate meals and snacks, in terms of quality and quantity, are provided each child.	To ensure children receive an adequate number of meals and snacks and to be consistent with requirements for licensed family day homes in 22VAC40-111, the proposed regulation specifies the timing of meals and snacks and adds that children arriving from a half-day morning program who have not had lunch must receive a lunch. For children’s safety and to be consistent with requirements for licensed family day homes in 22VAC40-111, the proposed regulation adds requirements for the sanitary preparation, storage, and transportation of food; and for cleaning of tables and high chair trays after each use.
	22VAC40-121-1240. Meals and snacks provided by member home.		For children’s health and to be consistent with requirements for licensed family day homes in 22VAC40-111, the proposed regulation requires providers to follow the most recent, age-appropriate nutritional requirements of a recognized authority such as the Child and Adult Care Food Program of the United States Department of Agriculture (UDSA) and allow children second helpings of food listed in the child care food program meal patterns.
	22VAC40-121-1250. Meals and snacks brought from child’s home.		For children’s health and safety and to be consistent with requirements for licensed family day homes in 22VAC40-111, the proposed regulation requires providers to provide extra food to children if they bring an inadequate meal or snack from home and discard unused portions of food by the end of the day or return the food to the parent.
	22VAC40-121-1260.		Section on foods to avoid to prevent choking was added to ensure the safety

	Preventing choking.		of children and to be consistent with requirements for licensed family day homes in 22VAC40-111.
	22VAC40-121-1270. Drinking water and fluids.		For children’s safety and to be consistent with requirements for licensed family day homes in 22VAC40-111, the proposed regulation adds that in environments of 80° or above, children shall be encouraged to drink liquids. To prevent the spread of disease, the regulation requires clean individual drinking cups and prohibits children’s sharing common drinking cups.
	22VAC40-121-1280. Menus.		For parent’s information and to be consistent with requirements for licensed family day homes in 22VAC40-111, weekly menus must be posted.
	22VAC40-121-1290. Eating utensils and dishes.		For children’s safety and to be consistent with requirements for licensed family day homes in 22VAC40-111, requirements for eating utensils and dishes were added.
	22VAC40-121-1300. Food storage.		For children’s safety and to be consistent with requirements for licensed family day homes in 22VAC40-111, requirements for food storage were added.
	22VAC40-121-1310. Milk.		For children’s safety and to be consistent with requirements for licensed family day homes in 22VAC40-111, requirements for milk and milk products were added.
	22VAC40-121-1320. Feeding infants.		For children’s safety and to be consistent with requirements for licensed family day homes in 22VAC40-111 which follow recommendations of the American Academy of Pediatrics, the American Public Health Association, and the Maternal and Child Health Bureau of the Health Resources and Services Administration, the proposed regulation adds that high chairs, infant carrier seats, or feeding tables with fastened safety waist and crotch straps must be used for feeding children under 12 months of age who are not being held; bottles must be labeled with a child’s full name and date if more than one infant is in care; refrigerated bottles of prepared formula and breast milk must be discarded after 48 hours; bottles may not be heated in a microwave oven; heated formula and baby food must be shaken or stirred and tested for temperature before being

			served; a mother must be given access to a private area of the home to facilitate breast feeding. Solid foods may not be given to infants under four months of age without parental consent and must be fed with a spoon with the exception of finger foods. Baby food must be served from a dish and not the container; food remaining in the dish shall be discarded; opened containers of baby food shall be labeled with the child's name and dated, refrigerated, and discarded after 24 hours of storage.
	22VAC40-121-1330. Special feeding needs.		For children's safety and to be consistent with requirements for licensed family day homes in 22VAC40-111, the proposed regulation requires food for children with special needs to be of appropriate consistency for any special feeding needs of the child. Necessary and adaptive feeding equipment and techniques must be used for a child with special feeding needs.
	22VAC40-121-1340. Requirements for drivers.		For children's safety and to be consistent with requirements for licensed family day homes in 22VAC40-111, requirements for drivers were added.
	22VAC40-121-1350. Requirements for vehicles.		For children's safety and to be consistent with requirements for licensed family day homes in 22VAC40-111, requirements for vehicles were added.
	22VAC40-121-1360. Requirements for transportation.		For children's safety and to be consistent with requirements for licensed family day homes in 22VAC40-111, requirements were added that include ensuring children being transported are in safety restraints as required by Virginia law and that children are not left alone in vehicles.
	22VAC40-121-1370. Nighttime care.		For the safety and comfort of children and to be consistent with requirements for licensed family day homes in 22VAC40-111, the proposed regulation adds requirements for providers who offer nighttime care to children. Included are requirements for the rest area, cribs for infants, linens; activities, bedtimes established in consultation with the child's parents, separate sleeping and dressing areas for children of the opposite sex over six years of age. Each child must have a toothbrush and comb or hair brush

			<p>assigned for individual use. Bath towels and washcloths, when used, must be assigned for individual use and laundered at least weekly. Each child nine months of age and older must have flame-resistant or snug-fitting sleepwear. Each child must have a routine that encourages good personal hygiene practices including bathing (if needed) and teeth brushing. Caregivers must remain awake until all children are asleep and sleep on the same floor level as the children in care.</p>
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